

CALIFORNIA CODES
BUSINESS AND **PROFESSIONS CODE**
SECTION 22700-22708

22700. This chapter shall be known and may be cited as the Filante **Tanning** Facility Act of 1988.

22701. The Legislature finds and declares:

(a) Many physicians and scientists now warn that the risks associated with suntanning are greater when **tanning** with artificial ultraviolet light.

(b) These risks include, but are not limited to, sunburn, premature aging, skin cancer, retinal damage, formation of cataracts, suppression of the immune system, and damage to the vascular system.

(c) Certain medications, cosmetics, and foods are "photosensitizing," which means that in some people they react unfavorably with ultraviolet light to produce skin rashes or burns.

(d) Sunlamps and other artificial sources of ultraviolet light are known to intensify these effects.

(e) The creation of state law to protect and promote the public health safety, and welfare is needed concerning **tanning** with artificial ultraviolet light.

22702. As used in this chapter:

(a) "**Tanning** facility" means any location, place, area, structure, or business which provides persons access to any **tanning** device.

(b) "Department" means the Department of Consumer Affairs.

(c) "Phototherapy device" means equipment that emits ultraviolet radiation used by a health care professional in the treatment of disease.

(d) "**Tanning** device" means any equipment that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers used for **tanning** of the skin, including, but not limited to a sunlamp, **tanning** booth, or **tanning** bed. **Tanning** device also means any accompanying equipment, including, but not limited to, protective eyewear, timers, and handrails.

22703. This chapter does not apply to a phototherapy device used by or under the direct supervision of a licensed physician who is trained in the use of phototherapy devices.

22704. Any **tanning** device used by a **tanning** facility shall comply with all applicable federal laws and regulations.

22705. A **tanning** facility shall give each customer a written statement warning that:

(1) Not wearing the eye protection provided to the customer by the **tanning** center may cause damage to the eyes.

(2) Over exposure causes burns.

(3) Repeated exposure may cause premature aging of the skin and skin cancer.

(4) Abnormal skin sensitivity or burning may be caused by certain:

(A) Foods.

(B) Cosmetics.

(C) Medications, including, but not limited to, the following:

(i) Tranquilizers.

(ii) Diuretics.

(iii) Antibiotics.

(iv) High blood pressure medicines.

(v) Birth control pills.

(5) Any person taking a prescription or over-the-counter drug should consult a physician before using a **tanning** device.

(b) A **tanning** facility shall post a warning sign in any area where a **tanning** device is used. The sign shall read as follows:

DANGER: ULTRAVIOLET RADIATION 1. Follow instructions.
2. Avoid too frequent or too lengthy exposure. As with natural sunlight, exposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause chronic sun damage characterized by wrinkling, dryness, fragility and bruising of the skin, and skin cancer. 3. Wear protective eyewear. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. 4. Ultraviolet radiation from sun lamps will aggravate the effects of the sun. Therefore, do not sunbathe before or after exposure to ultraviolet radiation. 5. Medications or cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a sunlamp if you are using medications, have a history of skin problems, or believe you are especially sensitive to sunlight. Pregnant women or women on birth control pills who use this product may develop discolored skin. IF YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN FROM USE OF THIS DEVICE.

(d) A **tanning** facility shall not claim, or distribute promotional materials that claim, that using a **tanning** device is safe or free from risk.

(e) The liability of a **tanning** facility operator or a manufacturer of a **tanning** device is not changed by giving the warning under this section.

22706. (a) A **tanning** facility shall:

(1) Have an operator present during operating hours who is sufficiently knowledgeable in the correct operation of the **tanning** devices used at the facility so that he or she is able to inform and assist each customer in the proper use of the **tanning** devices.

(2) Before each use of a **tanning** device, provide each customer with properly sanitized protective eyewear that protects the eye from ultraviolet radiation and allows adequate vision to maintain

balance; and not allow a person to use a **tanning** device if that person does not use the protective eyewear.

(3) Show each customer how to use suitable physical aids, such as handrails and markings on the floor, to maintain proper exposure distance as recommended by the manufacturer.

(4) Use a timer that has an accuracy of plus or minus 10 percent of any selected timer interval.

(5) Limit each customer to the maximum exposure time as recommended by the manufacturer.

(6) Control the interior temperature of a **tanning** facility so that it does not exceed 100 degrees Fahrenheit.

(b) (1) Every person who uses a **tanning** facility shall sign a written statement acknowledging that he or she has read and understood the warnings before using the device; and agrees to use the protective eyewear that the **tanning** facility provides. The statement of acknowledgment shall be retained by the **tanning** facility until the end of the calendar year at which time each person who is a current customer of the facility shall be required to renew that acknowledgment.

(2) Whenever using a **tanning** device a person shall use the protective eyewear that the **tanning** facility provides.

(3) Before any person between 14 and 18 years of age uses a **tanning** device, he or she shall give the **tanning** facility a statement signed by his or her parent or legal guardian stating that the parent or legal guardian has read and understood the warnings given by the **tanning** facility, consents to the minor's use of a **tanning** device, and agrees that the minor will use the protective eyewear that the **tanning** facility provides.

(4) Persons under 14 years of age are prohibited from using a **tanning** device.

22707. If a patron is injured whereupon he or she must seek medical attention, a **tanning** facility shall do the following:

(a) Report any injury to the department.

(b) Send a copy of the injury report to the person who is injured.

(c) Send a copy of the injury report to the Federal Food and Drug Administration.

22708. (a) A first violation of this chapter is an infraction. Each day a first violation continues constitutes a separate infraction.

(b) Any violation of this chapter subsequent to a first violation is a misdemeanor. Each day a subsequent violation continues constitutes a separate misdemeanor.

(c) A **tanning** facility that has violated this chapter shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) per day in addition to any other penalty established by law.